

M E M O R A N D U M

August 24, 1976

TO: County Council

FROM: Pearl O. Schloo, Legislative Research Coordinator *POS*

SUBJECT: Worksession on Bills 11 and 23-76, Employer/Employee Relations Legislation

A worksession on the subject legislation has been scheduled for Wednesday, August 25 at 8 P.M., in the Council Conference Room. All interested parties have been notified of this session.

Subsequent to the public hearing held July 14, 1976 the Council President received the following: memoranda from the Personnel Board and the Personnel Director recommending changes to Bill 11-76 (Attachments #3 and #5); and a letter from the State's Attorney requesting that his employees be exempted from this legislation (Assistant Chief Administrative Officer Carty has indicated to this office that employees of the State's Attorney's Office would not be covered by this legislation).

For the Council's consideration at the worksession, attached are the following:

- (1) Summary of testimony presented at the public hearing;
- (2) July 22 memorandum to the Council from Legislative Counsel Tierney;
- (3) July 30 memorandum from the Personnel Board;
- (4) Chart comparing provisions of Bills 11 and 23-76 and listing recommendations made at and subsequent to the public hearing;
- (5) August 23 memorandum to the Council President from the Personnel Director (received after the chart had been prepared).

Since the major issues raised at the public hearing are reflected on the chart and in Mr. Lloyd's memorandum, it is suggested that we use both as a guide for our discussion.

Extra copies of Bills 11 and 23-76 will be available at the work-session.

POS:mbw

Attachments

/

SUMMARY OF TESTIMONY
ON
BILLS 11-76 and 23-76

Public Hearing Held July 14, 1976

1. Robert Carty, Assistant Chief Administrative Officer, speaking on behalf of the County Executive and the Chief Administrative Officer.

Commented on the major differences between the two bills:

- Bill 11-76 defines "confidential employees" (no such definition in 23-76) and excludes such employees from employee organizations. Points out that such an exclusion is common in most public sector labor relations legislation; that the intent of such exclusion is to prevent divided loyalties between employees' membership in an employee organization and their supervisors. Such employees would include administrative aides to elected officials and department heads as well as other employees whose responsibilities in management would be incompatible with membership in an employee organization.
- Whereas 11-76 defines employee as a merit system employee working on a continuous full-time basis, excluding supervisory, confidential and management level employees, Bill 23-76 includes both full-time and part-time employees whose classification is determined under personnel regulations, excluding only elected officials and management level employees. Suggests that the definition in 11-76 be amended to include "part-time career employees".
- Difference in the definition of "management-level employee". Whereas Bill 11-76 defines management-level employees as those involved in policy making or who direct the implementation of policy, Bill No. 23-76 defines those employees as non-merit department or office heads who report to the County Executive, the County Council or the Chief Administrative Officer. With regard to who should be involved in an employee organization, points out that a line is generally drawn at the first level of supervision -- foreman, unit supervisor, etc. Believes it is important for such employees to be recognized as part of management. (Commenting that in his opinion Bill 11-76 defines management-level employees too broadly while 23-76 provides too narrow a definition, Council President Christeller requested Mr. Carty to draft a new definition that would fall somewhere between the two in terms of a clearer drawing of the line as to who may and who may not be in employee organizations.)
- 11-76 defines "professional employee" and provides that such employees should not be included in a unit which includes non-professional employees unless a majority of the professional employees specifically request inclusion. Bill 23-76 does not define professional employees.
- With regard to determination of employee units, points out that there are no differences. However, believes it is important to avoid the proliferation of employee organizational units and suggests a sentence be added to line 122 of Bill 11-76 stating, "the number of such units shall not be greater than six." States that County employees might prefer to have one large unit rather than a number and suggests that provision can be made in any unit election for employees to express their wishes on this matter.
- In the matter of unit determination, Bill 11-76 provides that the decision of the Chief Administrative Officer is final, whereas in Bill 23-76 the decision of the Chief Administrative Officer may be appealed to the County Personnel Board. Believes that the matter of unit determination is critical to management and should not be made a matter of appeal to the Personnel Board. Further, the authority of the Personnel Board is rather specific in the Charter, with Section 404 not extending to matters of employer/employee relations.
- States that procedures for certification of employee organizations do not vary between the two bills, except that 23-76 provides that elections shall be conducted by the Personnel Board which may ask the assistance of the Maryland State Department of Labor and Industry or any other agency. Suggests that Bill 11-76 is probably too restrictive and that provisions should be made for other third parties to assist in any election process.
- Regarding the percentage of eligible employees necessary to validate an election, 11-76 provides that at least 60% of employees eligible may validate an election whereas 23-76 provides for only 50%. Believes that 60% is not unreasonable, considering the importance of certifying employee organizations.

- Concurs with recommendation in 23-76 which provides for payroll dues collection at the request of the employee, providing the organization has been certified and represents a majority of the employees in the appropriate unit and providing that the deduction is not obligatory.
- Bill 11-76 provides for the sharing of the costs of conducting elections between the County and the employee organization while Bill 23-76 provides that the County shall bear all election costs. Believes this is a shared responsibility and that the costs should be shared.
- Re the requirement for meetings, 11-76 provides meetings be held at least every two years while 23-76 specifies meetings shall be held quarterly, and further provides that such meetings may be with County representatives including the County Executive and the County Council. Believes that quarterly meetings are too frequent but that a provision for at least an annual meeting would be acceptable.
- Matters to be discussed with employee organizations. Points out that certain areas of discussion are commonly excluded from labor relations legislation and are enumerated in Section 33-69 (b) of Bill 11-76: the mission of the County government, its budget, its organization, number of employees, positions classified, grades of employees, work projects, and the technology of County work. Believes there is a great deal to discuss: work conditions, promotional policies, training programs, group insurance package, cost of living adjustments, and the administration of the merit system.
- With regard to disputes, Bill 11-76 provides that the decision of the Chief Administrative Officer shall be final, subject to the appeal of the County Personnel Board whereas Bill 23-76 would make such appeals to the County Personnel Board the subject of a mandatory hearing. Points out the role of the Personnel Board as outlined in the Charter is restrictive and limited to mandatory hearings only in cases of dismissal, demotion and suspension.
- Re "employee organization responsibilities", 11-76 would prohibit an employee organization from picketing the County in any dispute or condoning such activity by failing to take action to prevent or stop it. Believes that any bill enacted should contain this provision.

2. Alan Whitney, Executive Vice President of the International Brotherhood of Police Officers, accompanied by PFC Tom Moore, President of Local 498 of the IBPO.

Believes that Bill 23-76 is far superior to the County Executive's bill.

The basic problem IBPO has with both bills is that they do not provide for a structure within which representatives of employees may sit down with representatives of management or the County government to work out and develop specific, written criteria relating to such things as base pay, fringe benefits, working conditions, personnel policy, etc. Also, neither bill provides any meaningful procedure for resolution of any disputes which may arise.

Comments on Bill 11-76:

- Believes the definition of management-level employees is too broad; should include the kinds of duties and responsibilities required of such employee.
- With regard to a position paper, points out that there is little meaning for a written document which has no binding features.
- On page 5, it is proposed that officers in the ranks of sergeant or equivalent rank and below be included in the bargaining unit. Suggests that this be amended to read, "all those in the ranks of corporal or below".
- With regard to the frequency with which meetings will be called, believes quarterly meetings will be acceptable as called for in 23-76.
- With regard to matters which may or may not be discussed at meetings, points out that if there is nothing of a binding nature, does not see valid reason for excluding certain topics from discussion.

Accepts basic provisions of 23-76.

Suggests an amendment to either of the bills: a statement of policy on the

part of the County Council to the effect that memoranda of understanding which might be developed by the parties would be adhered to to the extent possible within existing law.

3. James Mills, President, Montgomery County Government Employees Organization.

Points out a major omission in 11-76: no provision made for organization dues by payroll deduction -- a simple process to implement and one which recent court decisions in similar circumstances have granted to public employees.

With regard to where one would draw the line separating labor and management, points out that his organization's internal structure was constituted to accommodate both supervisory and staff personnel. Believes that any effort to exclude other than top management personnel from being members of the organization contrary to their voluntary choice would not be in accordance with sound democratic principles.

Believes that limitations on areas of discussion between labor and management would seriously cripple credibility. Points out that neither bill provides for major binding action on the part of management.

Suggests an amendment to 23-76 to require timely progress reports to the Council pertaining to meetings with top management.

(Council President Christeller asked Mr. Mills to look at few examples of grievances of which his group is aware and be prepared to talk to the Council about them at its worksession on these bills.)

4. John Hardy, representing the Montgomery County Firefighters Association.

Strongly supports Bill 23-76; against Bill 11-76.

Points out that his organization represents at the present time sergeants, lieutenants, captains, and even an assistant chief. Points out that by limiting the people that organizations can represent, firefighters would be disenfranchised; that 11-76 would eliminate the top of his group, people affiliated with the Firefighters Association voluntarily.

Because there is no provision for any binding agreement, does not see any reason for automatically eliminating certain subjects from being discussed by employees' organizations, as proposed in 11-76. Believes 23-76 offers a more realistic approach.

5. Michael Goldman, Individual.

Points out he is Assistant General Counsel of the National Treasury Employees Union which represents 90,000 federal employees; approximately 50% of all public employees nationwide are in exclusive units of representation.

Supports Bill 23-76. Does not believe that Bill 11-76 provides for meaningful meet and confer opportunities. Cites the following:

- Meeting once every two years allows too much time for the build up of frustration among employees;
- Believes it unwise to limit the scope of the discussions in the way the County Executive wishes to do so. Points out that in the federal sector there are limitations but that they are under a collective bargaining approach. Believes limiting discussions in the context of meet and confer seems to be unrealistic;
- The County Executive seems to be attempting to control the employee organization by retaining the right to determine what is an appropriate unit. Believes that 23-76 is more realistic in providing for third parties to make that final decision.

With regard to grievances, believes the County Executive or the Chief Administrative Officer should not have the final say; there should be some outside approach.

Although fully supporting 23-76, believes the Council should continue its efforts to establish full collective bargaining rights for County employees.

Points out there is really no need for any 60% or 50% rule in elections. Although this was the initial way elections were held in the federal sector, points out this was eliminated in a subsequent executive order signed by the President.

With regard to supervisors having the right to join an organization, points out that in the Federal government supervisors have a right to join an organization; however, that organization only has the right to represent and to bargain for non-supervisory employees. Suggests this might be a useful approach.

6. Gordon Wilson, Individual.

Strongly endorses Bill 23-76.

Points to the problems in his division (Solid Waste Management, Department of Environmental Protection) over the past year. Believes an organization to represent employees is needed.

7. Melvin Tull, Individual.

Vice President of the Employees Organization, chosen to represent the feelings of supervisory personnel.

Urges Council not to exclude supervisory, management and confidential personnel from employee organizations. States that in 11-76 what seems to be lacking is a ready way of recognizing the supervisor as opposed to rank and file. Urges Council to adopt something along the lines of 23-76 until task forces established last year come up with a better definition of the differences between the various classes.

8. Charles A. Simpson, President of the Fraternal Order of Police, Lodge Number 35.

The Fraternal Order of Police, Lodge Number 35, believes that Bill 23-76 is a step in the right direction but lacks essential elements such as collective bargaining with a binding arbitration clause. Bill 23-76 by providing an effective employee/employer relationship may very well prevent a future job action by members of the Police Department.

With regard to who should be included in an employee organization, of the opinion that any one above the rank of sergeant should not be included. However believes that anyone above the rank of sergeant could be a member of the organization but not necessarily represented by that organization.

POS/cbr

MEMORANDUM

July 22, 1976

TO: County Council

FROM: Philip J. Tierney, Legislative Counsel

SUBJECT: Employer/Employee Relations Bills 23-76 and 11-76

Both bills contain areas of legal concern. Section 404 of the Charter vests in an independent Personnel Board exclusive authority to adopt Personnel Regulations in certain specified areas. In my opinion, the Council may not legislate directly in these specified areas which are reserved for the Personnel Board to regulate. Nevertheless, the Council possesses authority to legislate on general merit system matters not expressly reserved by the Charter for Personnel Regulations.

Two areas of concern are found in both bills and appear to infringe upon Personnel Board matters:

1. Bill No. 23-76, p. 4 and 5, lines 82-90 grants employees the general right to meet with unidentified County representatives for the resolution of undefined grievances. The Personnel Regulations provide a detailed scheme for resolution of individual grievances. Bill No. 11-76 contains a similar provision (p. 4, line 87-89). These provisions should be amended to exclude those types of individual grievances which are processed under the Personnel Regulations.
2. Bill No. 23-76, p. 11, lines 244-260, provides for employee representation and appeal to the Personnel Board. These provisions appear to modify 33-24, Montgomery County Code, 1972, as amended, with respect to aggrieved party standing and the Board's discretionary appellate role. Under Section 401 of the Charter, the Council possesses authority to legislate on merit system matters generally. In my opinion, this power includes authority to define categories of employees with standing to prosecute grievances and to generally establish standards for Board hearings. However, since this matter does infringe on existing Regulations, it should be viewed with caution. I recommend that the County Attorney be requested to review the matter. Bill 11-76 contains similar provisions (p. 9, lines 235-247).

PJT/cbr

cc: R. McDonnell
P. Schloo

M E M O R A N D U M

July 30, 1976

TO: Norman Christeller, President, Montgomery County Council

FROM: Daisy B. Fields, Chair, County Personnel Board

Daisy B. Fields

SUBJECT: Employer/Employee Relations Legislation - Bills #11-76 and #23-76

One of the major factors to be considered in "meet and confer" legislation, such as the two bills presently being studied, is to assure a balance between management rights and employee needs. In the opinion of the Personnel Board, neither of the present bills provide such balance. However, we believe both contain features that, when combined, will provide acceptable legislation.

Our comments are addressed to Bill #11-76, incorporating portions of Bill #23-76, where preferable.

33-63 Definitions

<u>Line Number</u>	<u>Recommendation</u>
--------------------	-----------------------

27-30	Amend to read as follows:
-------	---------------------------

Confidential Employee - An employee who assists and acts in a confidential capacity to County officials who formulate and implement policies in the area of employee relations and employees who are appointed by and serve at the pleasure of an elected official.

35-39	Delete and use definition from Bill #23-76 quoted below:
-------	--

"Employee" - Any person working full or part-time whose classification and/or job description is determined in whole or in part by the Chief Administrative Officer under the general classification plan of the Personnel Board, but shall not include elected officials nor management-level employees as defined herein."

74	Add: " <u>. . . learning $\sqrt{\quad}$, and often recognized in terms of special techniques, licensing and certification.</u> "
----	---

33-63 Definitions (continued)

<u>Line Number</u>	<u>Recommendation</u>
78	Delete word "other".
79	Delete word "their".
80	Delete word "them".

33-65 Determination of employee units

<u>Line Number</u>	<u>Recommendation</u>
108	Add: In cases where the matters of unit determination are questioned, the decision of the Chief Administrative Officer shall be subject to review by the Montgomery County Personnel Board.
127	Change word "sergeant" to "corporal".
128-129	Delete (see addition to line 108 above).

33-69 County-employee organization meetings and discussions

<u>Line Number</u>	<u>Recommendation</u>
209-210	Change to read: The County shall not be required to meet more than twice a year with each certified employee organization. If the number of certified employee organizations exceeds six, such organizations shall be required to form a Congress representing all certified organizations for the purpose of meeting with the County, and such meetings shall be limited to not more than three a year.

33-72 County responsibilities

<u>Line Number</u>	<u>Recommendation</u>
256-257	The Board proposes that this section be deleted because the County should not be obligated to provide any services or facilities to an employee organization. This could become very expensive depending on the number of organizations recognized.

Additional Comments

The Board questions the wisdom of the County sharing in the cost of elections. We believe that any organization desiring to represent employees should be required to absorb the expense of the election. Under such circumstances, an organization would request an election only when it believes it has sufficient support to gain certification.

The Board further questions providing dues check-off without recognizing the costs, such as:

1. Control of input and payroll deduction information
2. Periodic computer print-outs and reports
3. Transfer of funds
4. Record keeping
5. Other administrative costs

The matter of dues check-off should be an administrative decision based on cost and feasibility.

The Board would like to point out that due to the nature of local governments (i.e., services that are monopolistic or mandated by law and supported by tax revenue) there are those that say that neither side is at liberty to bargain freely. The attitudes of the public must be considered very carefully on all issues because of the possible effect on other programs and/or political retaliation at time of elections. These constraints could make implementation and administration of any labor-management relations legislation extremely difficult.

There is a basic concern that the Board is compelled to express concerning these two legislative proposals. This type of legislation could lead to collective bargaining which could be in conflict with existing merit system rules and regulations. It has been our experience that in municipalities where such a practice has been embraced, the role, function and responsibility of the merit system and/or personnel board has been eroded.

The Board hopes that its comments are of assistance to the Council in its deliberations on this important legislation.

DBF/lml

ATTACHMENT #4

10

COMPARISON OF PROVISIONS OF BILLS 11-76 and 23-76 -- SUGGESTED AMENDMENTS

	Bill 11-76	Bill 23-76	Suggested Amendments/ Comments	Council Decision
<u>Definitions</u>				
"Confidential Employee"	<p>p. 2 - lines 27-30 "an employee who in the course of his/her regular duties has access to or possesses information relating to matters which could be the subject of discussions between employee organizations and the County."</p>	<p>not defined</p>	<p><u>Personnel Board recommendation:</u> Amend to read as follows: "An employee who assists and acts in a confidential capacity to County officials who formulate and implement policies in the area of employee relations and employees who are appointed by and serve at the pleasure of an elected official".</p>	
"Employee"	<p>p. 3, lines 35-39 "a County merit system employee ... full-time, year round basis does not include supervisory, confidential and management level employees". (At the public hearing the C.E. representative suggested including "part-time, career employees")</p>	<p>p. 3, lines 44-49 "Any person working full or part-time ... but shall not include elected officials nor management level employees..."</p>	<p>Personnel Board recommends definition contained in 23-76</p>	
"Management-level employee"	<p>p. 3, lines 57-59 "any employee involved directly in the determination of policy or who responsibly directs the implementation thereof." (at the public hearing Mr. Carty was requested to prepare a new definition for the Council's consideration)</p>	<p>p. 4, lines 69-76 "those employees not in the merit system...; department, office and agency heads... appointed by the county executive ...confirmation by the county council; and those merit system employees at a policy making level who report directly to or whose immediate supervisor is the county executive, the county council or the Chief Administrative Officer."</p>	<p>Speaker #2: More specific definition needed; for example, kinds of duties such an employee would perform.</p>	

COMPARISON OF BILLS 11-76 and 23-76

	Bill 11-76	Bill 23-76	Suggested Amendments/Comments	Council Decision
<u>Definitions, cont'd</u> "Professional employee"	<u>p. 4, lines 62-74</u>	Not defined	<u>Personnel Board recommendation:</u> Delete period at end of line 74 and add: ", and often recognized in terms of special techniques, licensing and certifications."	
"Supervisor"	<u>p. 4, lines 75-81</u> "...any individual having the authority to: (1) hire, transfer suspend, recall, layoff, promote, discharge, assign work, reward or discipline other employees; (2) adjust their grievances; (3) responsibility direct them; or; (4) effectively recommend aforementioned action."	<u>p. 4, lines 77-80</u> "A management level employee as before defined with the authority to appoint or remove employees or to demote, layoff, promote or discipline employees as provided for under the Charter and personnel regulations."	Personnel Board recommends deleting following in 11-76: "other" on line 78; "their" on line 79; "them" on line 80.	
"Determination of Employee Units"	<u>p. 5 and 6</u> <u>lines 103-104:</u> CAO makes final determination as to composition of employee units <u>lines 128-129:</u> where matters of unit determination questioned, decision of CAO final (CE representative stated at the public hearing that unit determination should <u>not</u> be matter of appeal to Personnel Board; that Sec. 404 of Charter does not extend to matters of employer-employee relations)	<u>p. 5 and 6</u> <u>lines 104-105:</u> CAO makes initial determination as to composition of employee units <u>lines 130-132:</u> where unit determination questioned, decision of CAO shall be subject to review by M.C. Personnel Board	<u>Personnel Board:</u> Add language re review by Personnel Board to line 108 of 11-76; Delete lines 128-129. Amendment #1 to 11-76 proposed by Council President	

COMPARISON OF BILLS 11-76 and 23-76

	Bill 11-76	Bill 23-76	Suggested Amendments/Comments	Council Decision
Determination of Employee Units, cont'd.	p. 5, lines 126-127: "(e) Units for employees of the uniform services shall be limited to employees in the ranks of sergeant or equivalent rank and below."	Not addressed	<u>Personnel Board and International Brotherhood of Police Officers</u> change "sergeant" to "corporal" M.C. Firefighters: because organization represents sergeants, lieutenants, captains & asst. chief, suggests exception in cut off for Firefighters	
<u>Number of employee units</u>	Not addressed	Not addressed	<u>CE recommendation:</u> To avoid proliferation of employee units, suggests adding to line 122 of 11-76: "The number of such units shall not be greater than six."	
<u>Procedures for certification of employee organizations</u> <u>Elections</u>	p. 6, lines 148-51: "...Elections...performed under ...guidance of Md. State Dept. of Labor and Industry, Division of Arbitration."	p. 7, lines 154-156: "...conducted by the Personnel Board which may ask the assistance of the Md. State Dept. of Labor and Industry or any other impartial agency."	C.E. representative stated that 11-76 is probably <u>too</u> restrictive and that provision should be made for other third parties to assist in the election process.	
<u>Percentage of employees necessary to validate an election</u>	p. 7, line 163: <u>60%</u>	p. 7, line 168: <u>50%</u>	<u>Speaker #5:</u> No need for any 60 or 50% rule; cites practice in federal sector	
Payroll deduction for dues	Not addressed. However, C.E. agrees to this provision provided that the organization has been certified and represents majority of employees in an appropriate unit and that deduction is not obligatory.	p. 8, lines 188-190 - Payroll deductions for dues to be remitted to employee organization.	<u>Personnel Board:</u> Questions dues check-off without recognizing costs such as control of input and payroll deduction information, computer print-outs and reports, transfer of funds, record keeping and other administrative costs. Dues check-off should be an administrative cost & feasibility	

COMPARISON OF BILLS 11-76 and 23-76

	Bill 11-76	Bill 23-76	Suggested Amendments/Comments	Council Decision
<u>Definitions cont'd</u> costs of conducting elections	p. 8, lines 198-201: To be borne equally by County and employee organizations	p. 9, lines 211-212: Costs borne by County	<u>Personnel Board recommendation:</u> Organization desiring to represent employees should be required to absorb expense of election	
<u>Number of meetings</u>	p. 8, lines 209-210: "The County shall meet at least once every two years with each certified employee organization."	pp. 9 and 10, lines 215-223: "...employee organization... entitled to meet at least quarterly...with County representatives including the County Executive and County Council..."	--CE representative at the public hearing stated that quarterly meetings were too frequent but that an annual meeting would be acceptable -- <u>Personnel Board</u> recommends changing language on lines 209-210 in 11-76 to read: "The County shall not be required to meet more than twice a year with each certified employee organization. If the number of certified employee organizations exceeds six, such organizations shall be required to form a Congress, representing all certified organizations for the purpose of meeting with the County, and such meetings shall be limited to not more than three a year."	

COMPARISON OF BILLS 11-76 and 23-76

H

	Bill 11-76	Bill 23-76	Suggested Amendments/Comments	Council Decision
<u>Definitions cont'd</u> Matters to be discussed with employee organizations	<p>p. 8, lines 202-223: (a) "...personnel policies, practices and matters affecting working conditions of the employee unit it represents..." (b) <u>excludes</u> matters re mission of County government, its budget, its organization, number of employees assigned to employee unit, work projects or tours of duty, technology of performing County work or other provisions inherent in managerial process.</p>	<p>p. 10, lines 219-232: (a) same as 11-76 (b) matters <u>excluded</u> in 11-76 <u>included</u> in 23-76</p>	<p>Speakers #2,3,4,5: If discussions are to be non-binding, scope of such discussions should not be limited as proposed in 11-76.</p>	
Disputes	<p>p. 9, lines 244-245: decision of CAO final, subject to appeal to Personnel Board</p>	<p>p. 11, lines 256 - 260: decision of CAO final subject to appeal to Personnel Board which shall hold a hearing</p>	<p>C.E. representative stated at public hearing that role of the Personnel Board as outlined in Charter is restrictive and limited to mandatory hearings only in cases of dismissal, demotion & suspension</p>	
County responsibilities	<p>pp. 9 & 10 same provisions</p>	<p>pp. 11 and 12 same provisions</p>	<p>Personnel Board: Delete subsection (c) in 11-76 re County's providing services or facilities to an employee organization. Could be very expensive.</p>	
Employee organization responsibilities	<p>p. 10, lines 265-285: Only difference from 23-76 is additional language in (d) which would prohibit the <u>condoning</u> of certain activities (strikes, work stoppages, slowdown, picketing) by failing to take action to prevent or stop such activities</p>	<p>p. 12, lines 279-297</p>		

Other Recommendations:

Montgomery County Government Employees Organization:

Include provision to require timely progress reports to the Council pertaining to meetings with top management.

Letters from Jessie H. Bakeman and Martha L. Cadle:

Organization membership should be broadened to include all currently employed and retired merit system employees of the Montgomery County government; should exclude elected officials, non-merit employees and merit system employees at a policy making level who report directly to or whose immediate supervisor is the County Council, the County Executive or the Chief Administrative Officer.

M E M O R A N D U M

August 24, 1976

TO: Norman Christeller, President, County Council

FROM: Ronald G. Lloyd, *RM* Personnel Director

SUBJECT: Suggested Changes to Bill No. 11-76
Employer/Employee Relations Legislation

After review of the testimony presented at the public hearing held on July 14, 1976, the following suggested changes to Bill No. 11-76 are offered for your consideration.

Section 33-63. Definitions.

<u>Line Number</u>	<u>Recommendation</u>
	b. "Confidential employee"
30	Add: "...official <u>/</u> OR AN EMPLOYEE WHO ASSISTS THOSE COUNTY OFFICIALS WHO FORMULATE AND IMPLEMENT POLICIES CONCERNING EMPLOYER/EMPLOYEE RELATIONS."
	d. "Employee"
35-39	Substitute definition as follows: A COUNTY MERIT SYSTEM EMPLOYEE WORKING ON A CONTINUOUS FULL-TIME, CAREER OR PART-TIME, CAREER BASIS. THE TERM "EMPLOYEE", FOR PURPOSES OF THIS CHAPTER, DOES NOT INCLUDE SUPERVISORY, CONFIDENTIAL, MANAGEMENT-LEVEL, OR NON-MERIT EMPLOYEES.
	g. "Management-level Employee"
57-59	Substitute definition as follows: ANY MERIT OR NON-MERIT EMPLOYEE WHOSE PRIMARY DUTY CONSISTS OF WORK DIRECTLY RELATED TO THE DETERMINATION AND IMPLEMENTATION OF GOVERNMENTAL POLICIES OR GENERAL GOVERNMENTAL OPERATIONS AND WHO CUSTOMARILY AND REGULARLY EXERCISES DISCRETION AND INDEPENDENT JUDGMENT IN THE PERFORMANCE OF SUCH DUTIES.

Section 33-65. Determination of employee units.

<u>Line Number</u>	<u>Recommendation</u>
103	Substitute THE PERSONNEL DIRECTOR for <u>/</u> the Chief Administrative Officer <u>/</u> and eliminate the word <u>/final</u> .

Section 33-65. Determination of employee units. (continued)

<u>Line Number</u>	<u>Recommendation</u>
106	Substitute PERSONNEL DIRECTOR for <u>Chief Administrative Officer</u> .
108	Add the sentence: IN CASES WHERE THE MATTER OF UNIT DETERMINATION IS QUESTIONED, THE DECISION OF THE CHIEF ADMINISTRATIVE OFFICER MAY BE SUBJECT TO REVIEW BY THE COUNTY PERSONNEL BOARD, WHOSE DECISION WILL BE FINAL.
122	Add new language: THE PROVISIONS OF THIS SECTION SHALL NOT PRECLUDE THE ESTABLISHMENT OF ONE UNIT TO REPRESENT ALL ELIGIBLE EMPLOYEES. THE NUMBER OF UNITS CERTIFIED SHALL NOT BE GREATER THAN FIVE.
127	Substitute the word CORPORAL in lieu of <u>Sergeant</u> .
128	Delete.
129	Delete.

Section 33-66. Procedures for certification of employee organizations.

<u>Line Number</u>	<u>Recommendation</u>
148	d. New language: ELECTIONS WILL BE CONDUCTED BY THE PERSONNEL OFFICE WHICH MAY USE THE SERVICES OF THE MARYLAND STATE DEPARTMENT OF LABOR AND INDUSTRY OR ANY OTHER THIRD PARTY HAVING SIMILAR QUALIFICATIONS.
179	New Paragraph J. THE COUNTY MAY, AFTER DISCUSSIONS WITH AN EMPLOYEE ORGANIZATION AND ON RECEIPT OF WRITTEN AUTHORIZATION FROM EACH EMPLOYEE, PROVIDE FOR THE DEDUCTION FROM THE PAY OF SUCH EMPLOYEE MONIES IN PAYMENT OF MEMBERSHIP DUES IN A DULY CERTIFIED EMPLOYEE ORGANIZATION. SUCH DEDUCTION SHALL NOT BE OBLIGATORY.

Suggested Changes to Bill No. 11-76
Employer/Employee Relations Legislation
August 24, 1976
Page Three

Section 33-69. County-employee organization meetings and discussions.

<u>Line Number</u>	<u>Recommendation</u>
209	Strike <u>/once every two years/</u> and substitute TWO TIMES ANNUALLY.